

HOUSE BILL 3834

By Johnson P

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, relative to misrepresentation of
geographical location.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104, is amended by deleting subdivision (b)(32) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

47-18-1__.

(a) The act of misrepresenting the geographic location of a person by listing a fictitious business name or an assumed business name in a local telephone directory is an unfair or deceptive act or practice affecting the conduct of trade or commerce if:

(1) The name misrepresents the person's geographic location; or

(2) The listing fails to identify the locality and state of the person's business; and

(3) Calls to the listed telephone number are routinely forwarded or otherwise transferred to a person's business location that is outside the calling area covered by the local telephone directory; and

(4) The person's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory; and

(5) The person does not have a business location or branch, or an affiliate, subsidiary, or agent of the person does not have a business

location or branch, in the local calling area or county contiguous to the local calling area.

(b) This section shall not apply to a telecommunications service provider or to the publisher or distributor of a local telephone directory unless such act is on behalf of such telecommunications service provider or on behalf of the publisher or distributor of such local telephone directory.

(c) This section creates no duty and imposes no obligation upon anyone other than the person who is the subject of the advertisement or listing.

(d) Notwithstanding any other law contrary, and without limiting the scope of § 47-18-104, a violation of this section shall be punishable by a civil penalty of a minimum of five thousand dollars (\$5,000) to a maximum of twenty-five thousand dollars (\$25,000) for each violation.

(e) This section applies only to information supplied to a telephone directory published after July 1, 2008, or to information supplied for entry into a directory assistance database after July 1, 2008.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.